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FISCAL IMPACT STATEMENT

LS 6557

BILL NUMBER: HB 1097

NOTE PREPARED: Apr 8, 2005

BILL AMENDED: Apr 8, 2005

SUBJECT: Local Finance Matters.

FIRST AUTHOR: Rep. Borror

FIRST SPONSOR: Sen. Ford

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Mobile Home Assessments*: This bill requires rules of the Department of Local Government Finance (DLGF) to include instructions for determining the true tax value of certain mobile homes in a prescribed manner.

Software Valuation: The bill also requires DLGF rules to include instructions for determining the true tax value at the time of acquisition of computer application software for the purpose of deducting that value from the true tax value of taxable personal property.

Solid Waste Management District Investments: This bill requires the controller of a solid waste management district to deposit and invest the district's money in the same manner that other county money is deposited and invested.

Public School Foundation: The allows a school corporation to form a foundation to hold grants, gifts, and certain other money received by the school corporation.

Office of Finance and Management: In Marion County, it establishes the Office of Finance and Management. The bill specifies that the controller is the director of the office. It provides that City Controller and the Office are responsible for: (1) financial reporting and audits; (2) purchasing; and (3) fixed assets; for all city and county departments, offices, and agencies.

Marion County Local Government: This bill provides that in Marion County the City Controller assumes certain powers and duties of the County Auditor. It provides for the appointment of two deputy controllers by

the Mayor of Indianapolis. It creates the Department of Administration and Equal Opportunity in Marion County to replace the existing Department of Administration. It provides that City Controller and the Office are responsible for budgeting for all city and county departments, offices, and agencies, other than the circuit and superior courts and the county prosecutor. The bill also limits the duties of the Marion County Board of Commissioners.

Veto: The bill provides that city-county council ordinances in Marion County concerning the budgets for elected county officers or judicial officers are subject to veto.

Effective Date: January 1, 2006.

Explanation of State Expenditures: The DLGF would be required to make changes to its rule governing personal property assessments.

Explanation of State Revenues: *Mobile Home Assessments and Software Valuation:* The state levies a tax rate for State Fair and State Forestry. Any reduction in the assessed value base caused by the treatment of application software or mobile homes in this bill will reduce the property tax revenue for these two funds.

Explanation of Local Expenditures: (Revised) *Veto:* Under current law, the Mayor of Indianapolis may not veto an ordinance or resolution that contains the budget or an appropriation for the holder of a constitutional office or a judicial officeholder. The bill would restore the mayor's power to veto such measures.

Office of Finance and Management: The bill establishes the Office of Finance and Management to restructure the account and finance duties of the city and county. The Office would be responsible for all city and county departments, offices, and agencies in relation to: (1) accounting and budgeting; (2) financial reporting and audits; (3) revenue and tax distributions; (4) purchasing; (5) fixed assets; (6) payroll, accounts payable, and accounts receivable; and (7) maintenance of property records. The Controller and two Deputy Controllers will head the Office and take on most of the County Auditor's responsibilities.

Explanation of Local Revenues: *Mobile Home Assessments:* The current DLGF real property assessment rule contains cost and depreciation schedules for use in the assessment of mobile homes. A mobile home is assessed as either real property if the homeowner owns the land under the home or if the home is on a permanent foundation. All others are assessed as personal property. Most mobile homes are assessed as personal property. The schedules in the real property rule are used to assess both real and personal property mobile homes.

This bill would require the DLGF's rules to include instructions for determining sales data for mobile homes that include a requirement to use nationally recognized valuation guides. Some counties are already using these guides (commonly referred to as the "blue book") in assessing mobile homes. Some counties allow the blue book value to be used as evidence in an appeal. Other counties adhere strictly to the schedules in the real property assessment manual and do not consider blue book values at all.

It is generally understood that the blue book values are less than those produced by the assessment manual. While the assessments of some homes would not change, others would be reduced under the blue book. It is unlikely that any home values would increase. One estimate suggests that, on average, the blue book value on mobile homes is about 15% lower than the value under the assessment rule.

This means that in counties where the blue book value is not already being used, the total value of mobile homes could decline by as much as 15%. Normally, a reduction in assessed value would shift taxes from those receiving the reduced assessments to all other taxpayers through an increased tax rate. However, mobile home assessments are treated differently than all other property assessments.

It is understood that in most counties, assessments on personal property mobile homes are not considered part of the certified value that is used to compute tax rates. This has to do with the fact that the assessment date for these homes is January 15th with taxes paid in May and November of the same year. Tax rates must be certified by February 15th, leaving little or no time to make the assessments and include them in the AV base.

The property tax revenue generated by mobile homes may be used to offset shortages in levy collections. While the tax rate would not be directly affected by an assessment reduction for mobile homes, the revenue received by the local units would be reduced. One exception to this explanation is the case where a unit collects more than 100% of its tax levy. In this case, the overage is used to reduce the following year's levy and tax rate. So, it is possible, indirectly, for a reduction in mobile home-generated tax collections to cause an increase in the following year's tax rate. The actual impact of this provision is not currently available. There are approximately 90,000 to 100,000 mobile homes in the state.

Software Valuation: Under current DLGF assessment rules, computer application software owned by a business is considered intangible property and is not assessed except when cost of the application software cannot be separately identified because it is combined with the cost of property that is subject to assessment. In the case where the cost of the application software cannot be separately identified, no adjustment is made to the cost of the other asset(s) for reporting purposes.

Under this provision, the DLGF would be required to develop instructions for identifying the fair market value of application software so that the value can be deducted from the total cost of the combined asset(s). These instructions would be made a part of the DLGF's rule governing personal property assessments.

This provision would result in a reduction of assessed value in an unknown amount. While the AV that is removed from the tax base may be a very small percentage statewide, there could certainly be an impact in specific local areas in cases where the value of the software component of an asset accounts for a considerable portion of the asset's total value.

The elimination of the remainder of application software assessed value would shift part of the property tax burden from the taxpayers who own application software to all taxpayers in the form of an increased tax rate. Total local revenues, except for cumulative funds, would remain unchanged. The revenue for cumulative funds would be reduced by the product of the fund rate multiplied by the deduction amount applicable to that fund. The amount of the tax shift is currently unknown.

Solid Waste Management District Investments: According to current statute, solid waste management districts *may* invest their money in the same manner as other county monies are invested. This bill states that solid waste management districts *must* deposit and invest their money in the same manner as other county monies under IC 5-13. IC 5-13 governs the investment of public funds and allows monies to be invested in securities that are backed by the United States Treasury and issued by the Treasury or a federal agency, instrumentality or government sponsored enterprise, or fully guaranteed by a federal agency, instrumentality or government sponsored enterprise. The impact on revenue generated by a district's investments depends on its current investment practices.

Public School Foundation: The bill would allow a school corporation to use the proceeds of a grant, gift, donation, endowment, bequest, trust, agreement, shared tax revenue received by a city or county under IC 4-33-12 (riverboat admission taxes) or IC 4-33-13 (riverboat wagering taxes), or other funds not generated from taxes levied by the school corporation to create an education foundation.

The foundation has to be a 501(c)(3) corporation and organized for the purposes of providing educational funds for scholarships, teacher education, and special programs for school corporations. If the foundation is terminated, then the donations are returned to the school corporation. The bill should have a positive fiscal impact on the revenue of schools. The impact would depend on the amount of proceeds donated to the foundation and interest earnings from the endowment.

State Agencies Affected: Department of Local Government Finance.

Local Agencies Affected: Township and county assessors; School corporations; Solid Waste Management Districts; Marion County/City of Indianapolis.

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